

REMARKS

In response to the final Official Action of September 11, 2009, amendment has been made to claim 1 to particularly point out and distinctly claim that which was presented in applicant's response of May 11, 2009, but which the Examiner did not believe was positively recited in the claims in said earlier response. In particular, this claim amendment corresponds to the feature argued in applicant's previous remarks that US patent 5,967,040, Korthäuer, et al (hereinafter Korthäuer) failed to teach; namely, that there is no relative movement between the counterpressure surface and the print head (see final Official Action, Response to Arguments section).

Claim 1 is therefore amended to particularly point out this feature by stating that the counterpressure surface forms part of the print head so as to maintain a fixed relationship to said print head and so that no relative movement between the counterpressure surface and the print head can occur. Support for this amendment is found in the original application as filed, including Figures 2, 3, and 4 showing that the counterpressure surface identified by reference element 7 (7a...7f) is in all cases depicted as forming a monolithic structure with the print head identified with the reference element 5 (5a...5f).

It is therefore respectfully submitted that no new matter is added, and that no new issue is raised since applicant argued this feature with regard to the previous submission of amended claim 1, but in a manner which, as indicated above, the Office felt was not positively recited in the claim.

It is therefore respectfully submitted that this Amendment After Final does not raise any new issues and that entry of this amendment should be made by the Office. See 37 CFR 1.116.

Claim Rejections - 35 USC §102

The Office at section 3 rejects claims 1, 6-7, and 9-12 as rejected under 35 USC §102(b) as anticipated by Korthäuer. Specifically, the Office asserts that Korthäuer shows all of the claimed features set forth in the previous version of claim 1, including a

counterpressure surface that forms part of the print head so as to maintain a fixed relationship to the print head. The Office notes at page 3 of the final Office Action that the counterpressure surface can be considered to “form” part of the print head as broadly recited since these elements are part of the larger machine and have to be used together to result in proper printing of the labels. Furthermore, the Office notes that the counterpressure surface of Korthäuer can broadly be considered to maintain a “fixed” relationship to the print head, at least during the printing operation in order to have an operable device that prints clearly.

However, the Office notes in the Response to Arguments section that applicant’s previous argument that the features of claim 1 require no relative movement between the counterpressure surface and the print head were not positively recited in the claim. Such positive recitation is now made in amended claim 1. Thus, as amended, claim 1 relates to a label printer wherein the characterizing feature is that the claimed counterpressure surface forms part of the print head so as to maintain a fixed relationship to the print head and so that no relative movement between the counterpressure surface and the print head can occur.

As previously set forth in applicant’s response filed on May 11, 2009, Korthäuer shows (for example, Figure 1), that each of the feed devices 12a, 12b, and 12c share a common print head 8. This print head comprises a thermal slat (or a thermal strip) 7 by means of which the temperature sensitive label on the carrier strip 5a, 5b, and 5c is printed. In this device, the printing process takes place in that the label is fed to the printer guided between the thermal slat 7 and the counterpressure surface (called the “support surface” in the wiping heads 6a, 6b, and 6c). The printing process takes place at the moment when the desired counterpressure surface (support surface) is in the printing position.

This design as disclosed in Korthäuer has the drawback that the counterpressure surface exerts a movement relative to the print head. This in turn leads to the effect that the association between the counterpressure surface and the thermal slat becomes inaccurate, resulting in inferior quality of the overall printing process.

As noted above, a central teaching of the present invention is to avoid such drawbacks and therefore discloses a feature in which the counterpressure surface forms part of the print head itself so as to maintain a fixed relationship to the print head and so that no relative movement between the counterpressure surface and the print head can occur.

As a result of the rigid fixation between the counterpressure surface and the thermal slat of the printer, the label is stabilized at the printing surface of the thermal slat. This design, as set forth in amended claim 1, results in a significantly simplified design, because it is now possible to do away with components that allow relative movement, such as taught by the prior art.

In view of the foregoing, it is respectfully submitted that Korthäuer does not anticipate or suggest the present invention as set forth in claim 1 since Korthäuer discloses a label printer that has relative movement between the counterpressure surface and the printing device and that does not maintain a fixed relationship to the print head. It is therefore respectfully submitted that claim 1 is neither anticipated nor suggested by Korthäuer.

Dependent claims 6, 7, and 9-12 are also believed to be neither anticipated nor suggested by Korthäuer at least in view of their ultimate dependency from amended claim 1.

Furthermore, in view of section 1 of the Official Action, applicant respectfully requests reconsideration of withdrawn claims 2-5, 8, 13, and 14 since it is respectfully submitted that there now is an allowable generic claim. These dependent claims are also believed to be allowable at least in view of their ultimate dependency from amended claim 1.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment After Final. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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